

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JOHNNIE RAMON HARRIS,

Defendant.

Case No. 2:13-cr-00376-JAD-GWF

**ORDER**

(Mot Mod Bail - Dkt. #20)

Before the court is Defendant's First Motion for Modification of Bail to Allow for "Own Recognizance" Release or otherwise Reduction of Bail Due to Exigent Circumstances (Dkt. #20). The United States did not file a timely response, and the court issued an Order to Show Cause (Dkt. #21) why the motion should not be granted for the government's failure to respond. The government filed a Response (Dkt. #22) indicating the failure to file a timely response was due to a filing error. The United States does not oppose the motion if the representations about Defendant's recent medical diagnosis is accurate.

The motion seeks an own recognizance release or reduction in bail on grounds that Mr. Harris has recently been diagnosed with cancer which will require aggressive treatment and therapy. Additionally, after the court detained him, his state DUI case was negotiated as a "stay adjudication" which will be resolved by a conviction to a lesser included reckless driving offense. Harris argues that he can better and more appropriately treat and address his cancer if out of custody. The motion is not supported by any medical records, and provides no information to the court concerning how he would address his health problems if out of custody.


The motion is denied without prejudice. No bail has been set. Harris was detained as a flight risk and as a danger to the community for the reasons stated at the detention hearing and in the written

1 detention order (Dkt # 7). The motion does not establish new grounds for release not known to the  
2 defendant at the time of the detention hearing that have a material bearing on release. See 18 U.S.C.  
3 Section 3142 (f). The court inquired of the U.S. Marshal's Service who inquired of medical personnel  
4 at Nevada Southern Detention Center about Mr. Harris' condition. Medical personnel indicate that Mr.  
5 Harris has not been diagnosed with cancer. Rather, a lump has been discovered, and a biopsy procedure  
6 has been scheduled.

7 Having reviewed and considered the matter,

8 **IT IS ORDERED** that Defendant's First Motion for Modification of Bail to Allow for "Own  
9 Recognizance" Release or otherwise Reduction of Bail Due to Exigent Circumstances (Dkt. #20) is  
10 **DENIED without prejudice.**

11 Dated this 14th day of March, 2014.

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13   
14 Peggy A. Leen  
United States Magistrate Judge